

Italy and the Nuclear Ban Treaty: A Hesitant Opening?

by Ludovica Castelli

The Treaty on the Prohibition of Nuclear Weapons (TPNW) is the first legally binding international treaty whose aim is to ban nuclear weapons comprehensively. Substantially, it hinges on the lethal humanitarian and environmental impact of nuclear weapons and is thereby aimed at further stigmatising their use, including in the domain of nuclear deterrence.¹

Since its adoption in July 2017, the Ban Treaty has been hotly debated, splitting international observers in two main camps. Supporters have highlighted the need for alternative pathways towards

nuclear disarmament, beyond the stagnating and largely unfulfilled Non-Proliferation Treaty (NPT), an objective that has only increased in urgency in light of revived international tensions and renewed threats of nuclear conflict.² Opponents have instead tended to emphasise the utopian nature of the Treaty, underlining its impracticability under current international circumstances, while raising concern that its provisions contrast with the existing non-proliferation and disarmament architecture.³

¹ The stigmatisation of nuclear deterrence is further emphasised by the prohibition of threat of nuclear use (Art. 1 (d)). See Nick Ritchie and Alexander Kmentt, "Universalising the TPNW: Challenges and Opportunities", in *Journal for Peace and Nuclear Disarmament*, Vol. 4, No. 1 (2021), p. 70-93, <https://doi.org/10.1080/25751654.2021.1935673>. But also the International Campaign to Abolish Nuclear Weapons (ICAN) website: *What about "Nuclear Deterrence" Theory?*, https://www.icanw.org/what_about_nuclear_deterrence_theory.

² Gro Nystuen, Kjølsv Egeland, and Torbjørn Graff Hugo, *The TPNW: Setting the Record Straight*, Norwegian Academy of International Law, October 2018, <http://intl.no/?p=439>.

³ Newell Highsmith and Mallory Stewart, "The Nuclear Ban Treaty: A Legal Analysis", in *Survival*, Vol. 60, No. 1, : p. 129-152; Michael Rühle, "The Nuclear Weapons Ban Treaty: Reasons for Scepticism", in *NATO Review*, 19 May 2017, <https://www.nato.int/docu/review/articles/2017/05/19/the-nuclear-weapons-ban-treaty-reasons-for-scepticism>.

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While formal TPNW membership has gradually broadened – as of 15 June, 62 states are full parties to the Treaty and a further 27 are signatories, awaiting ratification⁴ – nuclear-armed states have maintained consistent opposition. Similarly, most NATO countries positioned themselves against the Treaty, opposing it even before the first negotiations got underway. On the same day the TPNW opened for signature on 20 September 2017, the North Atlantic Council issued a statement declaring that allied nations did not support the initiative because it “disregards the realities of the increasingly challenging international security environment”.⁵

In unison with all other NATO members (except for the Netherlands), Italy refused to participate in the negotiating conference and has since remained aligned with NATO’s opposition to the TPNW. Indeed, Italy’s historical role in nuclear sharing arrangements with the US makes any prospect of accession remote, as the stationing of US tactical nuclear weapons on Italian territory is incompatible with the Treaty’s provisions.

Together with other four NATO members, Italy has hosted US nuclear weapons on its territory since the late 1950s.⁶ Moreover, Italy has for about

two decades now been host to a large number of B61 nuclear bombs deployed to Europe (between 40 and 70 out of 180)⁷ and is the only state that counts two NATO nuclear bases on its territory: Ghedi Torre Air Base and Aviano Air Base (home to the US 31st Fighter Wing).

With the aim of engaging nuclear weapon states and NATO countries in the TPNW’s activities, the Ban Treaty offers the option to participate as “observer countries” at the First Meeting of the State Parties (MSP) scheduled for 21–23 June 2022 in Vienna. Over the last months, two NATO countries, Norway and Germany, decided to participate as observers.⁸

Norway had already supported and hosted in 2013 the series of conferences of the Humanitarian Initiative, an effort launched in 2013 to explore the humanitarian impact of nuclear weapons.⁹ The decision to attend the

in August 1956. They were followed by nuclear bombs in April 1957 and nuclear land mines in 1959.” See, Hans Kristensen, “Italy’s Nuclear Anniversary: Fake Reassurance for a King’s Ransom”, in *FAS Blog Strategic Security*, 30 June 2014, <https://fas.org/?p=16200>.

⁷ Exact numbers are unknown. Sources differ, ranging from a maximum of 70 B61s stockpiled in Italy to about 40. See, *ibid.*; and ICAN website: *Italy*, <https://www.icanw.org/italy>.

⁸ Oliver Meier and Maren Vieluf, “From Division to Constructive Engagement: Europe and the TPNW”, in *Arms Control Today*, December 2021, <https://www.armscontrol.org/node/12701>; Alf Bjarne Johnsen and Gisle Oddstad, “Støre-Regjeringen Reiser Til Atomforbud-Konferanse: USA Stiller Spørsmål” [Støre government travels to nuclear ban conference: US asks questions], in *VG*, 14 October 2021, <https://www.vg.no/nyheter/innenriks/i/mr33pE>.

⁹ Nick Ritchie, “The Story so Far. The Humanitarian Initiative on the Impacts of Nuclear Weapons”, in *Vienna Papers*, No. 1 (2014), <https://unidir.org/node/4196>.

⁴ See the website of the Nuclear Weapons Ban Monitor: *The Status of the TPNW*, <https://banmonitor.org/tpnw-status>. Ireland, Austria, the Holy See, Malta, San Marino, are the only European states to have ratified the Ban Treaty.

⁵ NATO, *North Atlantic Council Statement on the Treaty on the Prohibition of Nuclear Weapons*, 20 September 2017, https://www.nato.int/cps/en/natohq/news_146954.htm.

⁶ “The first weapons to arrive were Corporal and Honest John short-range ballistic missiles

TPNW's MSP as an observer was taken by the newly elected government led by Jonas Gahr Støre, a well-known advocate of nuclear disarmament. A few months later, incoming German parties outlined a similar intent in their governing coalition agreement. At the same time, however, the governing agreement also reiterated the procurement of a successor system for the Tornado fighter jet, thereby reaffirming Germany's role and commitment to nuclear sharing.¹⁰

Just like Norway, Germany has at the same time reaffirmed its traditional stance on nuclear disarmament and support for NATO. Having traditionally maintained a balanced position on nuclear disarmament and NATO nuclear sharing, and having tendentially advocated for an incremental approach to disarmament in line with Berlin's involvement with the Stockholm Initiative, Germany's participation in the MSP is even more resounding.¹¹ For both, accession to the TPNW is clearly stated as a non-option and support for NATO's deterrent posture is pristine (as long as NATO defines itself as a "nuclear alliance"¹²). However, they consider constructive engagement with the Ban Treaty in line with their disarmament

agenda, potentially paving the way for other NATO members wanting to participate in the TPNW debate.

On 18 May 2022, the Italian Foreign Affairs Committee of the Chamber of Deputies took a significant step in this direction. It did so by approving a multipartisan resolution, whose first signature was by former UN official and President of the Italian Chamber of Deputies, Laura Boldrini, presently with the centre-left Democratic Party (*Partito Democratico* – PD).¹³

The resolution calls on the government to "consider, in consultation with the Allies, the possibility of participating as an 'observer country' in the first MSP [...] taking into account the participation of the Governments of NATO countries, such as Norway and Germany". The text warns against the existential threat posed by nuclear weapons and the fundamental importance of continuing efforts toward their definitive elimination, an objective defined as "one of the cornerstones of its [Italian] foreign policy".¹⁴

While not binding, the motion represents a significant step forward in defining Italy's position. Traditionally, Italy has been in favour of the "Zero

¹⁰ See, SPD, Greens and FDP, *Mehr Fortschritt wagen. Bündnis für Freiheit, Gerechtigkeit und Nachhaltigkeit. Koalitionsvertrag 2021-2025*, November 2021, <https://www.spd.de/koalitionsvertrag2021>.

¹¹ Dennis M. Gormley et al., *Four Emerging Issues in Arms Control, Disarmament, and Nonproliferation: Opportunities for German Leadership*, James Martin Center for Nonproliferation Studies (CNS), July 2009, <https://nonproliferation.org/?p=15262>.

¹² Kjølsv Egeland, "Spreading the Burden: How NATO Became a 'Nuclear' Alliance", in *Diplomacy & Statecraft*, Vol. 31, No. 1 (2020), p. 143-167.

¹³ Italian Chamber of Deputies, *Resolution No. 7-00766 Boldrini: Sull'impegno dell'Italia a favore del disarmo nucleare* [On Italy's Commitment to Nuclear Disarmament], 18 May 2022, <https://aic.camera.it/aic/scheda.html?numero=7-00766&ramo=C&leg=18>; Rete Pace Disarmo, *Nuclear Weapons, House Foreign Affairs Committee Passes Resolution for Global Disarmament*, 18 May 2022, <https://retepacedisarmo.org/english/?p=291>.

¹⁴ Italian Chamber of Deputies, *Resolution No. 7-00766*, cit.

Option¹⁵ on disarmament, which implies a gradual reduction of nuclear weapons. However, such rhetoric has rarely translated into tangible commitments. Reconciling alliance obligations and disarmament objectives has historically posed a complex dilemma for Italy, oftentimes resulting in an attitude of inertia.¹⁶

On the opposite side, Italian disarmament movements and civil society have played a significant role in promoting disarmament and supporting the TPNW. A few months before the final round of negotiations in 2017, members of the European Leadership Network, Landau Network and Pugwash wrote an open letter to the government expressing concern for their country's decision to boycott the negotiations and calling on it to take part in the final round of TPNW talks.¹⁷ In September 2017, shortly before the Ban Treaty opened for signatures, the Italian Chamber of Deputies approved several bipartisan motions encouraging the government to evaluate the possibility of joining the Treaty.¹⁸

¹⁵ Paolo Foradori, "Reluctant Disarmer: Italy's Ambiguous Attitude toward NATO's Nuclear Weapons Policy", in *European Security*, Vol. 23, No. 1 (2014), p. 31-44.

¹⁶ Paolo Foradori, "Tactical Nuclear Weapons in Italy: Striking the Balance between Disarmament Aspirations and Alliance Obligations", in *The Nonproliferation Review*, Vol. 19, No. 1 (2012), p. 13-29.

¹⁷ USPID, Pugwash and ELN, *Open Letter to the Italian Government on the Nuclear Ban Treaty Negotiations*, 14 June 2017, <https://www.europeanleadershipnetwork.org/?p=1597>.

¹⁸ See, for example, Italian Chamber of Deputies, *Mozione 1-01699*, 19 September 2017, <http://aic.camera.it/aic/scheda.html?numero=1/01699&ramo=C&leg=17>; Italian Chamber

In November 2021, the Italian Disarmament Network and the Senzatonica campaign sent a letter to parliamentarians urging concrete steps towards nuclear disarmament. Italian MPs were called to join the appeal addressed to parliamentarians around the world by the International Campaign to Abolish Nuclear Weapons (ICAN). During the 17th legislature (2013–2018), over 240 elected members joined the ICAN Parliamentary Pledge.¹⁹

The next step should be the presentation of a parliamentary document renewing the 2017 motion approved by the Chamber of Deputies. All of this should then also translate into concrete and practical support for the request that the Italian government participate as an "observer" in the TPNW's MPS later in June.

The decision to become a TPNW observer is very significant considering the intense pressure that NATO countries have been subjected to in an effort to dissuade them from participating and may lead other states to follow suit, gradually creating a

of Deputies, *Interrogazione a risposta orale 3-03350* [Question for oral answer 3-03350], 14 November 2017, <http://aic.camera.it/aic/scheda.html?core=aic&numero=3/03350&ramo=C&leg=17>. The House called the government to "continue to pursue the goal of a world without nuclear weapons, through a progressive and inclusive approach to disarmament, [...] evaluating in this context [...] the possibility of joining the legally binding treaty to ban nuclear weapons, leading to their total elimination".

¹⁹ See, Rete Pace Disarmo, *Oltre 240 deputati e senatori italiani sottoscrivono il "Parliamentary Pledge" della Campagna ICAN* [Over 240 Italian deputies and senators sign the "Parliamentary Pledge" of the ICAN Campaign], 27 October 2017, <https://retepacedisarmo.org/disarmo-nucleare/?p=415>.

cluster of observer states that would at least become more engaged with this effort. Indeed, for Italy, whose strategic culture has long prioritised multilateralism, the likelihood of attending the MPS and gradually engaging with the TPNW seems now to be higher after Norway and Germany got the ball rolling.

The strongest argument in favour of attending the MPS is that prospective observer status would signal a commitment to the disarmament cause and help countries engage constructively on how to achieve this goal collectively. Being an “observer country” in the MSP of the Ban Treaty, means having limited participatory rights and thus no voting rights or the right to reply. However, observers are entitled to make statements. Italy would therefore have the opportunity to speak out on the aspects of the treaty it considers problematic, such as verification mechanisms and the TPNW’s relationship with the NPT.

The Italian government has indeed voiced concerns on certain elements of the Treaty. During a parliamentary question time on 13 July 2017, the Italian government pointed out how “the draft Treaty that emerged from the Conference confirms the perplexities underlying the Italian position. Some of its crucial provisions appear potentially capable of weakening the existing non-proliferation regime, raising doubts about the Treaty’s real ability to act as an irreversible, transparent and verifiable instrument of nuclear disarmament.”²⁰

²⁰ Italian Chamber of Deputies, *Risposta scritta all’Interrogazione a risposta immediata*

That said, there is a second, equally strong argument for attending the MPS, powerfully highlighted by Russia’s war against Ukraine. Putin’s use of nuclear blackmail to shield his full-scale invasion does nothing but exacerbate a central TPNW’s claim: total disarmament is the only possible way to eliminate the danger posed by such weapons.

How to achieve it, how to neutralize the increased salience of nuclear weapons, and how to make sure Europe’s post-war security architecture – as well as that of other regions – no longer relies on these instruments, remains the central challenge.

On the other hand, choosing not to attend a meeting of states parties to an international treaty is tantamount to dismissing the majority of international public opinion²¹ and the decade-long work of civil society and international organisations who underpinned the goal of the Ban Treaty.

The TPNW is here to stay, and being able to sit at the table instead of maintaining a passive policy of obstructionism or opposition would best serve the long-term objectives of Italy. Concretely,

in commissione 5-11829 [Written answer to question with immediate answer in the Foreign Affairs Committee 5-11829], 13 July 2017, <http://aic.camera.it/aic/scheda.html?numero=5-11829&ramo=C&leg=17>.

²¹ According to surveys conducted in 2020, and published in January 2021 by ICAN, the majority of population in many NATO countries supports signing the TPNW (89 per cent in Spain, 87 per cent in Italy, 78 per cent in the Netherlands, 77 per cent in Belgium) and removing nuclear weapons from their territories. See, ICAN, *NATO Public Opinion on Nuclear Weapons*, January 2021, https://www.icanw.org/nato_poll_2021.

observing the MSP and having the chance to give a statement – however critical this may be – becomes crucial also for a matter of credibility, most notably if nuclear disarmament is still defined as an “essential” component of Italian foreign policy.²²

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²² Italy, *Statement by H.E. Ambassador Vinicio Mati to the 2017 NPT Preparatory Committee*, Vienna, 3 May 2017, https://italiarappginevra.esteri.it/rappginevra/resource/doc/2017/05/amb_mati_npt_prepcom_general_debate.pdf.

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